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SEP 08 2006

Claims 1 to 7, 15, and 16 were pending in the present application; claims 8 to 14 were withdrawn from consideration. Applicant has amended claims 3, 15, and 16. Claims 1 to 7, 15, and 16 remain pending.

Claim Objections

The Examiner objected to claims 3 to 5, 15, and 16 for misspelling "planarization." Applicant has amended claims 3, 15, and 16 with the correct spelling of "planarization."

§102 Rejections

The Examiner rejected claims 1 to 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,577,142 ("Mueller-Fiedler et al."). Addressing claim 1, the Examiner stated:

Claim 1 still does not distinguish over '142 where T2 is a substrate; Li is a lens above the substrate and below the laser LD; and LD is mounted on a top layer T1 above the lens. In other words, upside down or equivalently rotated 180 degrees, the '142 device anticipates claim 1.

June 23, 2006 Office Action, p. 2. Applicant respectfully traverses.

Claim 1 recites a "submount on top of which a laser is mounted, comprising ... a top layer on top of which a laser is mounted, the top layer being above the lens." Amended claim 1 (emphasis added). On the other hand, when the structure of Mueller-Fiedler et al. is turned upside down and carrier T2 becomes the top layer, laser diode LD is mounted below carrier T2. This is because laser diode LD is mounted to a depression V1 on a bottom surface of carrier T2 when the structure of Mueller-Fiedler et al. is turned upside down and carrier T2 becomes the top layer. Thus, Mueller-Fiedler et al. does not disclose either a submount or a top layer on top of which a laser is mounted. Accordingly, claim 1 is patentable over Mueller-Fiedler et al.

Claims 2 to 4 depend from amended claim 1 and are patentable over Mueller-Fiedler et al. for at least the same reasons as amended claim 1.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 5 and 6 are allowable if amended to independent form. Applicant has not amended claims 5 and 6 because Applicant believes that their base claim 1 is patentable over Mueller-Fiedler et al.

Applicant thanks the Examiner for allowing claims 15 and 16.

Summary

In summary, claims 1 to 7, 15, and 16 were pending in the above-identified application. Applicant has amended claims 3, 15, and 16. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim objections and rejections and allow claims 1 to 7, 15, and 16. Should the Examiner have any questions, please call the undersigned at (408) 382-0480x206.

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Respectfully submitted,



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